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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,660	08/05/2003	Jochen Wieschermann	P/4303-31 (CIP)	8879
7590 06/23/2004			EXAMINER	
Klaus P. Stoffel, Esq. Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, NY 10036-8403			BRYANT, DAVID P	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,660

Applicant(s)

WIESCHERMANN ET AL.

Examiner

David P. Bryant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/719,941.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 8 and 9, in the reply filed on April 26, 2004, is acknowledged.

Claim 10 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Specification***

The disclosure is objected to because of the following informalities:

#### **Page 2:**

Regarding lines 6-7, the reference to specific claim numbers should be deleted, since claim numbers typically change during prosecution of an application.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Muller (EP 170086).

Muller teaches a process for manufacturing a road bound vehicle body **25** with a roof unit **24** having an outer skin and an inward facing ceiling (i.e. it is a two-sided structure), and a basic structure having longitudinal frames (i.e. the surrounding roof sills **44** of the outer roof structure **37**), the ceiling and the outer skin along with the basic structure having joining configurations that mate the ceiling and the outer skin to the basic structure at mutual places for joining (e.g. elements **43** and the corresponding apertures formed in roof sills **44**, as shown in Figure 5), the process comprising the steps of:

introducing the roof unit **24** containing the outer skin with joining configurations, with fittings already mounted in place, through an opening between the longitudinal frames (i.e. through the front windshield opening, as shown in Figures 2 and 3), the fittings including at least sun shields **30** and roof hand grips **32**;

bringing the roof unit **24** into contact with corresponding of the joining configurations of the longitudinal frames **44** by an upward movement (note the upward movement depicted in Figure 3, where the roof unit **24** is raised from the position shown in dashed lines to the position in which the roof unit is placed adjacent the inner surface of outer roof structure **37**); and

permanently joining the roof unit there (as shown in Figure 5, the roof unit **24** is permanently secured in position with screws **45**, which are attached by automatic drivers **52** mounted on assembly frame **10**).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (EP 170086) in view of Kurihara (U.S. Patent No. 5,120,593).

Muller teaches all claimed steps of the process, but fails to teach a roof unit/ceiling having a sandwich structure.

Kurihara teaches a vehicular roof unit/ceiling 10 which is inserted through an opening in the frame of a vehicle, and raised into position against the inner surface of the outer roof structure 1 to provide a finished interior appearance for the ceiling (see Figure 1 and column 2, lines 44-46). As shown in Figure 2, the roof unit/ceiling 10 is a sandwich structure comprising a support layer 11, a covering layer 12, a decorative layer 13, and a vibration damping layer 21 (see column 2, lines 55-58). The sandwich structure provides improved sound insulation, and dampens vibrations applied to the outer roof structure to increase the rigidity of the roof (see column 1, lines 39-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the roof unit/ceiling of Muller as a sandwich structure, as taught by Kurihara, to improve sound insulation, and dampen vibrations applied to the outer roof structure to increase the rigidity of the roof.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Numerous of the references cited disclose a modular, pre-assembled roof unit to be

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installed within a skeleton frame of a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Bryant whose telephone number is (703) 308-1859.

The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David P. Bryant  
Primary Examiner  
Art Unit 3726

dpb  
6/17/04